AMENDED IN SENATE JUNE 17, 2002 AMENDED IN ASSEMBLY APRIL 17, 2002

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 3055

Introduced by Committee on Water, Parks and Wildlife (Canciamilla (Chair), Aroner, Corbett, Florez, Frommer, Goldberg, Kehoe, Kelley, Leslie, and Pavley)

April 3, 2002

An act to add Section 4826.2 to the Business and Professions Code, and to amend Section 3050 of the Fish and and to amend Sections 1055.6, 1057, 3050, and 3508 of, and to repeal Sections 3509 and 3510 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

- AB 3055, as amended, Committee on Water, Parks and Wildlife. Fish and game.
- (1) Under existing law, it is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit, any wild animal of certain enumerated species.

This bill would authorize a veterinarian, a registered veterinary technician, or an unregistered assistant working under the supervision of a veterinarian, to provide veterinary care and treatment for any animal enumerated in the provisions summarized above for the period of time that veterinary care and treatment is *are* necessary.

(2) Existing law provides that the Department of Fish and Game may authorize any person, with specified exceptions, to be a license agent

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to issue any license, permit, reservation, tag, or other entitlement upon the department's approval of the application. Existing law requires the license agent to retain those funds in a separate bank account, separate from the license agent's other funds.

This bill would delete the requirement that the fees be kept in a separate bank account and would instead require the license agent to account for those fees separately from other funds belonging to the license agent.

(3) Under existing law, no hunting license may be issued to a person unless he or she presents to the person authorized to issue the license evidence of a current or prior license or completion of a hunter safety course. Evidence of a current hunting license issued by another state or province is acceptable for issuance of a hunting license.

This bill would permit issuing a hunting license upon evidence that the applicant either holds a current hunting license, or a hunting license issued in either of the 2 previous hunting years by another state or province.

(3)

(4) Existing law generally provides that no person may break, train, hold field trials with, or practice dogs on any wild game bird or domesticated game bird during the closed season for the particular bird, with certain exceptions.

This bill would delete those exceptions and instead provide that no person may take those actions, except as authorized by the Fish and Game Commission. To the extent that the bill would expand the scope of an existing crime, the bill would impose a state-mandated local program.

(5) Existing law continuously appropriates money in the Fish and Game Fund to the department and the commission to carry out the Fish and Game Code.

By imposing new duties on the department, the bill would make an appropriation.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no-yes.

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The people of the State of California do enact as follows:

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SECTION 1. Section 4826.2 is added to the Business and Professions Code, to read:

4826.2. Notwithstanding any other provision of law, a veterinarian, registered veterinary technician, or an unregistered assistant working under the supervision of a veterinarian, may provide veterinary care and treatment for any animal restricted pursuant to Section 2118 of the Fish and Game Code. A veterinarian, registered veterinary technician, or an unregistered assistant working under the supervision of a veterinarian, may lawfully possess one or more of the animals only for the period of time that, in his or her judgment, veterinary care and treatment is are necessary. No veterinarian, registered veterinary technician, or unregistered assistant working under the supervision of a veterinarian, has a duty to advise law enforcement if he or she becomes aware that one or more of the animals is possessed in the state. For the purposes of this section, "veterinary care and treatment" does not include boarding when no veterinary care or treatment is required.

SEC. 2. Section 1055.6 of the Fish and Game Code is amended to read:

1055.6. (a) Except as provided in subdivision (b), each license agent authorized pursuant to Section 1055.1 shall remit to the department the fees prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements by electronic means, such as electronic fund transfer. In order to facilitate the prompt remittance of revenues, the department is authorized to withdraw funds from the separate bank account of the license agent-required by Section 1057, including adjustments, by electronic transfer. 30 License agents shall ensure that the total fees required for all licenses, permits, reservations, tags, or other entitlements necessary to perform the electronic transfer are available on the date specified by the license agent contract.

(b) A license agent shall report to the department on or before the end of the next business day of the department any losses of fees received from the issuing of licenses, permits, reservations, tags, or other entitlements.

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(c) The license agent may retain not more than fifteen cents (\$0.15) of the fee received for each Colorado River special use validation issued pursuant to Section 7180.1 as compensation for services. The license agent shall remit to the department the fees prescribed by Section 7180.1, less any amounts retained under this subdivision, for all Colorado River special use validations issued. The license agent shall remit the net fees as prescribed in subdivision (a).

- (d) Except as provided in subdivision (b), any fees not 10 transmitted or made available to the department within seven days following the due date as specified by the department are delinquent, and delinquent fees are subject to interest and penalties prescribed in subdivision (b) of Section 1059. Interest and penalties shall be computed beginning one day following the due date as specified by the department.
 - (e) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.
 - SEC. 3. Section 1057 of the Fish and Game Code is amended to read:
 - 1057. All fees collected from issuing any license, permit, reservation, tag, and other entitlement shall be kept in a separate bank account, at all times belong to the state, and not be commingled with other funds of the license agent All license, tag, permit, reservation, and other entitlement money shall be accounted for separately from other funds of a license agent, and shall at all times belong to the state.
- SEC. 4. Section 3050 of the Fish and Game Code is amended 28 29 to read:
 - 3050. (a) No hunting license may be issued to any person unless he or she presents to the person authorized to issue that license any of the following:
 - (1) Evidence that he or she has held a hunting license issued by this state in a prior year.
 - (2) Evidence that he or she holds a current hunting license, or a hunting license issued in either of the two previous hunting years by another state or province.
- (3) A certificate of completion of a course in hunter safety, 38 principles of conservation, and sportsmanship, as provided in this

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1 article, with a hunter safety instruction validation stamp affixed 2 thereto.

- (4) A certificate of successful completion of a hunter safety course in another state or province.
- (5) Evidence of completion of a course in hunter safety, principles of conservation, and sportsmanship, which the commission may, by regulation, require.
- (b) The evidence required in subdivision (a) shall be forwarded to the department with the license agent's report of hunting license sales as required pursuant to Section 1055.5.
- (c) Subdivision (a) does not apply to any person purchasing a hunting license under paragraph (5) of subdivision (a) of Section 3031. However, that license may not qualify as evidence required in subdivision (a) of this section.
- SEC. 5. Section 3508 of the Fish and Game Code is amended to read:
- 3508. It is unlawful to break, train, hold field trials with, or practice dogs on any wild game bird or domesticated game bird during the closed season on such bird except as authorized by Section 3509 or 3510 except as authorized by the commission.
- SEC. 6. Section 3509 of the Fish and Game Code is repealed. 3509. If the birds are not killed, captured, or injured, a person may break, train, hold field trials with, or practice dogs on game birds, wild or domesticated, between July 1st and March 31st anywhere in the state between the hours of sunrise and sunset, except the department may permit the use of domesticated game birds for organizational field trials between April 1st and June 30th under such regulations as the commission may prescribe and upon the following conditions:
- (a) That no birds are nesting in the immediate area of the trials.(b) That any dog under trial shall be under strict control.
- SEC. 7. Section 3510 of the Fish and Game Code is repealed. 3510. Legally acquired domestically reared game birds, coturnix quail, and bobwhite quail may be used for, and taken during, the training of hunting dogs and field trials if the person taking the birds has a valid hunting license and a dog training or organizational field trial permit issued by the department pursuant to regulations of the commission.
- Whenever those birds are used for field trials held by organizations operating under the auspices of the American

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1 Kennel Club, the American Field Dog Stud Book, or other 2 organization which, in the opinion of the commission, is a bona 3 fide hunting dog organization, the birds may be taken if the 4 organization conducting the field trial has a permit for the taking 5 issued by the department and if each individual that shoots the 6 birds has a valid hunting license.

The base fee for dog training permits is two dollars (\$2), as adjusted under Section 713, per year for each individual permit and ten dollars (\$10), as adjusted under Section 713, per year for each organizational permit. Applications for the permits shall be made to the department. The organizational permit shall allow each member of the organization, or the persons designated by the organization to do the shooting at a field trial, to take birds under this section.

Persons conducting dog training individually at places and times other than official club functions shall have an individual permit.

The department may require that any birds so used be marked to distinguish them from other game birds and the carcass of pheasant or chukar taken shall be tagged with a seal as provided for in Sections 3206 and 3207.

The department may designate in the permit, the time, place, and dates where the training of dogs or field trials may be held.

The release and taking of exotic nonresident game birds subject to Sections 3515 and 3516 may be pursuant to this section if authorized by the commission. Dog training and organizational field trial permits shall be issued on a calendar year basis.

Permits issued under this section shall be restricted to dog clubs, trainers, and dog owners. The commission may revoke permits upon determination of any violation of this code.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

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- 1 the meaning of Section 6 of Article XIII B of the California 2 Constitution.